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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)

CHARLES GILCHRIST AND MATTHEW B. HALLINAN, in their capacities as Trustees of APARTMENT EMPLOYEES PENSION TRUST FUND, and APARTMENT EMPLOYEES WELFARE FUND,) No. CV 07-5803-CRB
Plaintiffs,)
)
) DECLARATION OF LINELLE S. MOGADO IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT
)
v.) DATE: April 4, 2008
) TIME: 10:00 a.m.
PROFESSIONAL TECHNICAL SECURITY SERVICES, INC. (PROTECH), a Delaware Corporation,) COURTROOM: 8, 19 th Floor
)
Defendant.)
)

I, LINELLE S. MOGADO, declare as follows:

1. I am an attorney at law, admitted to practice before this Court, and an associate in the law firm of Weinberg, Roger & Rosenfeld (the "Law Firm"), the attorneys for Plaintiffs in the above-entitled matter. I make this declaration upon my personal knowledge, and, if called as a witness, I could competently testify to the facts hereinafter stated.

2. The legal basis upon which Plaintiffs seek a Default Judgment in this case is set forth in Plaintiffs' Notice of Motion and Motion for Default Judgment; Memorandum of Points and Authorities; Declaration of Elginia Bowers; Declaration of Mary Ann Montoya; Declaration of Linelle S. Mogado; and the [Proposed] Order filed concurrently herewith.

3. A complaint for audit, injunction, breach of contract and damages was filed against Defendants, on November 15, 2007. *See* Docket No. 1. Service was effected on November 26, 2007. *See* Docket No. 3. Default was sought on January 24, 2008. *See* Docket No. 4. Defendant was served with this request. *Id.* Default was entered on February 6, 2008. *See* Docket No. 5.

4. The following work was performed on this case by Plaintiffs' attorneys at the billable rates of \$250.00 and \$175.00 per hour:

Date	Timekeeper	Description	Hours	Fee
7/19/2007	LSM	Confer with A. Laiacona and C. Raisner regarding review of Pension and Health and Welfare Trust agreements. Review Health and Welfare Trust agreement. Review and assess file.	1.00	\$175.00
7/20/2007	LSM	Review recommendations for next steps with A. Laiacona; review draft letter. Contact Bob Bunnell, Allied Administrators, regarding most recent restated Trust Agreements, currently effective amendments and obtain.	0.50	\$87.50
7/24/2007	LSM	Review file, finalize letter and attachments.	0.25	\$43.75
10/26/2007	LSM	Review file; draft complaint; review Pension trust agreement and amendments.	2.00	\$350.00
10/28/2007	LSM	Draft complaint; draft memo regarding next steps.	1.50	\$262.50
10/31/2007	LSM	Review Restatement of Pension Trust; correspond with P. Baney regarding status. Revise draft of ERISA complaint; correspond with Mary Anne Hohenstein of SEIU 1877 regarding Collective Bargaining Agreement(s).	2.00	\$350.00
11/7/2007	LSM	Talk to Union representative regarding history of Collective Bargaining Agreement(s); Review agreements; draft complaint.	2.00	\$350.00
11/9/2007	LSM	Review Pension and Welfare trust documents, amendments; discuss possible 2001 restatement with T. Rael; prepare exhibits, review draft complaint and discuss with C. Raisner; prepare complaint for filing.	1.50	\$262.50

Date	Timekeeper	Description	Hours	Fee
11/12/2007	AL	Review and editing Complaint.	0.50	\$125.00
11/13/2007	LSM	Finalize complaint, civil cover sheet, and exhibits.	0.50	\$87.50
11/16/2007	LSM	Oversee filing of complaint and related documents.	0.25	\$43.75
11/27/2007	LSM	Review file and draft status report, needed for Pension and Welfare restatements, and requirements of expedited arbitration.	0.75	\$131.25
1/3/2008	LSM	Review file for Answer.	0.25	\$43.75
1/4/2008	LSM	Legal research on default judgments; confer with C. Raisner, A. Laiacona; draft, finalize request for default.	1.25	\$218.75
1/7/2008	LSM	Legal research on defaults, default judgments.	0.50	\$87.50
1/28/2008	LSM	Review documents filed for Request for Entry of Default.	0.20	\$35.00
2/4/2008	LSM	Speak with Auditor E. Bowers to prepare Declaration in support of Motion for Default Judgment.	0.20	\$35.00
2/5/2008	LSM	Review docket.	0.10	\$17.50
2/7/2008	LSM	Draft Motion for Default Judgment and supporting documents; speak with Declarants E. Bowers, M. Montoya; draft Declarations, prepare exhibits.	4.00	\$700.00
2/15/2008	LSM	Prepare Motion for Default Judgment and revise Declarations of Elginia Bowers, Mary Ann Montoya, and draft Declaration of Linelle S. Mogado and attached exhibits; review billing and fees information.	5.00	\$875.00
2/18/2008	LSM	Finalize declaration, exhibits for filing; e-mail declarants for signatures.	4.00	\$700.00
TOTAL			28.25	\$4,981.25

5. Andrea Laiacona (AL) is a shareholder with the Law Firm. Ms. Laiacona graduated from Chicago-Kent College of Law in 2000. She was admitted to the California Bar and joined the

1 Law Firm in 2000. Ms. Laiacona practices ERISA law for our Law Firm and has experience
2 litigating and counseling on issues involving ERISA and trust fund collection. Ms. Laiacona's
3 time was billed at the Trust Fund rate of \$250.00 per hour.

4 6. I, Linelle S. Mogado, am a second-year associate with the Law Firm. I earned a
5 Bachelor of Environmental Science degree in Natural Resources Management in 1998. Upon
6 graduating, I worked for a number of labor-related organizations as an organizer and writer, and
7 for two law firms as a paralegal and secretary. I graduated from Northeastern University School of
8 Law in Boston, Massachusetts in May 2004 and was admitted to the California Bar in June 2005. I
9 have been with the Law Firm since February 2006, working on a cases including ERISA collection
10 work in Federal Courts on behalf of Trust Fund clients, as well as general litigation work on
11 numerous cases. My time was billed at the rate of \$175.00 per hour.

12 7. The following work was performed on this case by this law firm's paralegal
13 department.

Date	Timekeeper	Description	Hours	Fee
12/3/07	ERN	Review of applicable rules to determine due dates triggered by Complaint served on Protech.	0.50	\$47.50
12/3/07	ERN	Review of applicable rules to determine due dates triggered by Complaint served on Protech.	0.50	\$47.50
		CASE TOTAL:	1.00	\$95.00

20 8. During the period of October 1980 to January 14, 2007, Eleanor Natwick (ERN)
21 was a Litigation Case Clerk with the Law Firm, working within the paralegal department.
22 Ms. Natwick holds a Bachelor of Arts in English from Western Michigan University and a
23 teaching credential. Prior to joining the Law Firm, Ms. Natwick worked as a teacher.
24 Ms. Natwick has been with the Law Firm for twenty-six years and has worked as a Litigation Case
25 Clerk since March 1, 2003. Ms. Natwick took a number of paralegal courses prior to becoming a
26 Litigation Case Clerk and earned her paralegal certificate from the University of California at
27 Berkeley in June 2006. On January 15, 2007, Ms. Natwick was promoted to the position of
28

1 paralegal at the Law Firm. Ms. Natwick's hourly billable rate on Trust Fund cases is \$95.00.

2 9. Based on the foregoing, the total amount of attorneys' fees is \$5,076.25. Our client
3 has been billed for part of the work described above and the accounting department in my office is
4 preparing the invoices that will be billed to clients. All of the work described above will be billed
5 in the near future.

6 10. Plaintiffs' attorneys have incurred the following costs in this case:

7 Filing fee for complaint	\$350.00
8 Service of process on Defendant	\$75.00
9 Photocopying	\$213.25
10 Total Costs	\$638.25

11
12 Based on the foregoing, the total amount of costs incurred to date is \$638.25. Our clients have
13 been billed for some of the costs and the remaining costs will be billed in the near future.

14 11. In November 2007, I searched the California Business Portal to determine who the
15 proper agent for service of process is for this Defendant. The search results were as follows:
16 Sergio Reyes, Jr., 625 Market Street, 9th Floor, San Francisco, CA 94105. Attached hereto as
17 Exhibit "A" is a true and correct copy of said document; *see also* Docket no. 3.

18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 own knowledge.

20 Executed this 20th day of February 2008, in Alameda, California.

21 /s/Linelle S. Mogado
22 LINELLE S. MOGADO

23 116462/484315